



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA - REGULAR MEETING

Date: August 4, 2004

Time: Closed Session 5:00 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

**NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

### C-1 Call to Order / Roll Call

### C-2 Announcement of Closed Session

- a) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); three cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- g) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- h) Negotiate lease agreement for Lodi Station North Annex; negotiating parties are City of Lodi and Greyhound Lines, Inc.; Government Code §54956.8
- i) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding health insurance coverage provided to the following employee organizations: Association of Lodi City Employees regarding General Services and Maintenance and Operators; Lodi Police Dispatchers Association; Police Officers Association of Lodi; Lodi Professional Firefighters; International Brotherhood of Electrical Workers; Confidential Employees; and Management, Mid-Management, Fire Mid-Management, and Police Mid-Management employees pursuant to Government Code §54957.6

### C-3 Adjourn to Closed Session

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

**C-4 Return to Open Session / Disclosure of Action**

**A. Call to Order / Roll call**

**B. Invocation** – Captain Frank Severs, Lodi Salvation Army

**C. Pledge of Allegiance** – Boy Scouts of America Troop 291

**D. Presentations**

D-1 Awards – None

D-2 Proclamations

a) Lodi Aerie 848 Fraternal Order of Eagles 100<sup>th</sup> Anniversary

D-3 Presentations

a) Presentation of Certificate of Appreciation to Kronick Moskovitz Tiedemann & Girard for its legal guidance to the City of Lodi

b) Presentation of Certificates of Recognition to Boy Scouts Zachery Eugene Winchester, Scott Edward Killian, and Devin Scott Mariana for obtaining the rank of Eagle Scout (CC)

c) Presentations to outgoing Chairperson and members of the Greater Lodi Area Youth Commission (COM)

d) Greater Lodi Area Youth Commission 2003-04 review of accomplishments (COM)

e) Presentation by the Lodi Salvation Army recognizing volunteers

**E. Consent Calendar (Reading; comments by the public; Council action)**

E-1 Receive Register of Claims in the amount of \$7,176,156.78 (FIN)

E-2 Approve minutes (CLK)

a) June 15, 2004 (Shirtsleeve Session)

b) June 22, 2004 (Shirtsleeve Session)

c) June 29, 2004 (Shirtsleeve Session)

d) July 20, 2004 (Shirtsleeve Session)

e) July 20, 2004 (Special Meeting)

E-3 Accept the Quarterly Investment Account report as required by law SB 564 (FIN)

Res. E-4 Adopt resolution approving specifications, authorizing advertisement for bids, and further authorizing the City Manager to award or reject bids in an aggregate amount up to \$300,000 for steel streetlight standards and concrete streetlight standards as required during fiscal year 2004-05 (EUD)

E-5 Authorize advertisement for bids for the sale of surplus substation relay test equipment (EUD)

Res. E-6 Adopt resolution awarding the purchase of three 15kV 600-amp horizontal sidebreak pole-top switches to the low bidder, Inertia Engineering, of Stockton (\$5,799.11) (EUD)

Res. E-7 Adopt resolution awarding the contract for services to J&D Auto Body, Inc. to provide towing service for vehicle abatement from public and private property (CD)

E-8 Approve amendment to the Northeastern San Joaquin County Groundwater Banking Authority Joint Powers Agreement (PW)

Res. E-9 Adopt resolution authorizing the City Manager to execute an agreement between San Joaquin County Data Processing and the City of Lodi Police Department (est. annual cost \$8,944) (PD)

Res. E-10 Adopt resolution authorizing the reallocation of \$294,043.48 of unobligated Community Development Block Grant funds (CD)

Res. E-11 Adopt resolution recognizing San Joaquin County's "Safely Surrendered Baby Campaign" and designating fire stations as new "Safe Haven" sites (FD)

E-12 Approve task order amendment for West Yost & Associates for sphere of influence surrounding White Slough Facility (\$21,500)

E-13 Authorize advertisement for transportation services for the Lodi Conference and Visitors' Bureau Media Day and authorize use of buses should no alternate provider be willing to perform the service (PW)

**F. Comments by the public on non-agenda items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Public Hearings**

- Ord. G-1 Public hearing to consider the Planning Commission's recommendation of approval of the  
(Introduce) request of KB Home for a rezone from R-MD, Residential Medium Density, to PD (36), Planned Development Number 36, for The Villas, an 80-lot medium-density single-family residential subdivision located at 449 East Harney Lane (CD)

**H. Communications**

- H-1 Claims filed against the City of Lodi  
a) Exponent, Inc., date of loss July 2003 through February 2004  
b) G.R.A.P.E. Video Recording Company, date of loss January 2004  
H-2 Reports: Boards/Commissions/Task Forces/Committees – None  
H-3 Appointments – None  
H-4 Miscellaneous – None

**I. Regular Calendar**

- Ord. I-1 Introduce ordinance repealing and reenacting Lodi Municipal Code §13.04.130 and establishing  
(Introduce) low-income discounts for water, sewer, and refuse services and adopt resolution establishing  
Res. discounts (PW)  
Res. I-2 Adopt resolution authorizing the City Manager to allocate various funds for the Lodi Customer Assistance & Relief Energy (CARE) Package Program and authorizing the City Manager to execute a contract with the Salvation Army to administer this program (\$105,000) (EUD / PW)  
I-3 Authorize Mayor Hansen to negotiate a contract for the services of an executive search firm for purposes of recruiting a new City Manager for the City of Lodi  
Res. I-4 Discussion and appropriate action regarding adoption of resolution electing to withdraw from the CalPERS Medical Program (Public Employee's Medical and Hospital Care Act) (HR)  
I-5 Discussion and appropriate action regarding the appointment of an Interim City Manager  
Ord. I-6 Consider 1) adoption of an urgency ordinance imposing a ¼-cent sales tax subject to approval  
(Adopt urgency ord.) of a majority of the Lodi electorate; 2) adoption of a resolution submitting a ¼-cent sales tax  
Res. initiative and companion advisory measure to a vote of the electorate of the City of Lodi on November 2, 2004, setting priorities for filing written arguments, and directing the City Attorney to prepare an impartial analysis; and 3) approval of a Special Allocation of \$10,000 to the Elections Fund (CA)  
I-7 Approve Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$188,010.18) (CA)  
Res. I-8 Council discussion and appropriate action regarding a proposed amended and restated contract for legal document services (docket clerk) with Kronick, Moskovitz, Tiedemann & Girard to assist with the Environmental Abatement Program litigation and/or proposed alternatives (CA)

**J. Ordinances – None**

- K. Comments by the City Council Members on non-agenda items**
- L. Comments by the City Manager on non-agenda items**
- M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Susan J. Blackston  
City Clerk